

# House File 2045 - Introduced

HOUSE FILE 2045

BY FISHER

## A BILL FOR

1 An Act relating to certain governmental notices relating  
2 to eminent domain authority and urban renewal plans and  
3 including effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6B.2A, subsection 1, unnumbered  
2 paragraph 1, Code 2022, is amended to read as follows:  
3 An acquiring agency shall provide written notice of a public  
4 hearing to each owner and any contract purchaser of record  
5 of ~~agricultural land~~ real property that may be the subject  
6 of condemnation. The authority under this chapter is not  
7 conferred and condemnation proceedings shall not begin unless  
8 a good faith effort is made to mail and publish the notice  
9 as provided in this section on the owner and any contract  
10 purchaser of record of the property subject to condemnation.  
11 The notice shall be mailed by ordinary mail, not less than  
12 thirty days before the date the hearing is held, to the owner  
13 and any contract purchaser of record of each property or  
14 property interest at the owner's and contract purchaser's last  
15 known address as shown in the records of the county auditor not  
16 less than seven days nor more than fourteen days prior to the  
17 date of mailing. A change in ownership of any such property  
18 which is not reflected in the records of the county auditor  
19 during the period those records are searched as above provided  
20 shall not affect the validity of the notice or any condemnation  
21 proceeding commenced on the basis of such notice. The notice  
22 shall be given and the public hearing held before adoption of  
23 the ordinance, resolution, motion, or other declaration of  
24 intent to fund the final site-specific design for the public  
25 improvement, to make the final selection of the route or site  
26 location for the public improvement, or to acquire or condemn,  
27 if necessary, all or a portion of the property or an interest  
28 in the property for the public improvement. If the location  
29 of the public improvement is changed or expanded after the  
30 decision has been made to proceed with the public improvement,  
31 a notice shall be mailed by ordinary mail no less than thirty  
32 days before the adoption of the ordinance, resolution, motion,  
33 or other declaration of intent to proceed with a change in  
34 the location of the public improvement to the owner and any  
35 contract purchaser of record of the ~~land~~ real property to be

1 acquired or condemned, if necessary, in the new location of the  
2 public improvement affected by the change. The mailed notice  
3 shall, at a minimum, include the following information:

4 Sec. 2. Section 6B.2A, subsection 2, unnumbered paragraph  
5 1, Code 2022, is amended to read as follows:

6 The acquiring agency shall cause a notice to be published  
7 once in a newspaper of general circulation in the county or  
8 city where the ~~agricultural land~~ real property is located.

9 The notice shall be published at least four but no more than  
10 twenty days before the public hearing is held as referred to  
11 in subsection 1. The published notice shall, at a minimum,  
12 include the following information:

13 Sec. 3. Section 403.5, subsection 3, Code 2022, is amended  
14 to read as follows:

15 3. The local governing body shall hold a public hearing  
16 on an urban renewal plan after public notice thereof by  
17 publication in a newspaper having a general circulation in  
18 the area of operation of the municipality. The notice shall  
19 describe the time, date, place and purpose of the hearing,  
20 shall generally identify the urban renewal area covered by the  
21 plan, and shall outline the general scope of the urban renewal  
22 activities under consideration. A copy of the notice shall be  
23 sent by ordinary mail to each affected taxing entity and to  
24 each owner or contract purchaser of record of real property  
25 within the urban renewal area covered by the plan.

26 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate  
27 importance, takes effect upon enactment.

28 Sec. 5. APPLICABILITY. The following apply to notices  
29 required under section 6B.2A on or after the effective date of  
30 this Act:

31 1. The section of this Act amending section 6B.2A,  
32 subsection 1, unnumbered paragraph 1.

33 2. The section of this Act amending section 6B.2A,  
34 subsection 2, unnumbered paragraph 1.

35 Sec. 6. APPLICABILITY. The following applies to notices

1 required under section 403.5 on or after the effective date of  
2 this Act:

3 The section of this Act amending section 403.5, subsection  
4 3.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 This bill relates to certain governmental notices relating  
9 to eminent domain authority and urban renewal plans.

10 The bill extends the current mail notice and publication  
11 notice requirements for condemnation of agricultural land to  
12 condemnation of all real property under Code section 6B.2A.

13 Code section 403.5, in part, governs the approval of a  
14 municipality's urban renewal plan. The municipality is  
15 required to hold a public hearing on an urban renewal plan  
16 after public notice of the public hearing by publication in a  
17 newspaper having a general circulation in the area of operation  
18 of the municipality. The notice is also required to be sent  
19 by ordinary mail to each affected taxing entity. The bill  
20 requires a mailed notice to also be sent to each owner or  
21 contract purchaser of record of real property within the urban  
22 renewal area covered by the plan.

23 The bill takes effect upon enactment and includes  
24 applicability provisions.